



THE CITY OF NEW YORK
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May 27, 2021

VIA ECF

The Honorable Mary Kay Vyskocil
United States District Court Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Emily Whalen v. City of New York, et al., 21 Civ. 4116 (MKV)

Dear Judge Vyskocil:

I am the Special Corporation Counsel in the office of Georgia A. Pestana, Acting Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter in which plaintiff alleges, *inter alia*, that she was falsely arrested in violation of her constitutional rights. Defendant City respectfully requests an extension of time to answer, move or otherwise respond to the complaint. **Plaintiff's counsel, Massai I. Lord, Esq., has graciously consented to extend the time for defendants to answer, move or otherwise act with respect to the complaint by 45 days from the date I made my request, May 26, 2021, to, and including, July 12, 2021. To the extent that P.O. Anthony Ruggiero has been properly served, we respectfully request that the Court *sua sponte* extend his time to answer, move or otherwise act in similar fashion.**

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations set forth in the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to N.Y. Crim. Pro. L. § 160.50. Therefore, this office is forwarding to plaintiff for execution consents and authorizations for the release of sealed arrest and criminal prosecution records so that defendants can access the information, evaluate the claims in the complaint, and properly respond to the allegations therein.

To my knowledge, no previous request for an extension of this sort has been made in this case. Accordingly, we respectfully request the Court grant the relief set forth above.

In addition, in light of the above, Mr. Lord and I also discussed Your Honor's Order, dated May 13, 2021. In light of our agreements to each other yesterday to cooperate to move this case forward as expeditiously as possible and meet the [proposed] July 12, 2021 deadline requested above **the parties jointly and respectfully request that the dates set forth in Your Honor's May 13, 2021 Order¹ be adjourned to dates after July 12, 2021 which both suit the Court's convenience and allow Mr. Lord and me the opportunity to make our discussions regarding settlement and/or a discovery plan as fruitful as possible.**

Mr. Lord and I thank Your Honor for considering our requests.

Respectfully submitted,

Curt Beck

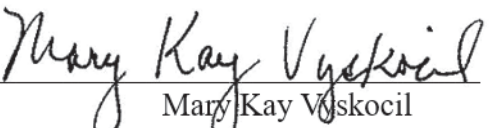
CPB/hs

Curt Beck
Special Corporation Counsel

cc: Massai I. Lord, Esq. (via ECF)

This request is GRANTED. The IPTC is ADJOURNED to July 22, 2021 at 11:30 AM. The joint letter is due one week before the conference.

Date: May 28, 2021
New York, New York


Mary Kay Vyskocil
United States District Judge

¹ Pursuant to Your Honor's Individual Practice Rule G, the parties note that the two dates Your Honor set are: June 3, 2021 for submission of the parties' Proposed Case Management Plan and June 10, 2021 for the Initial Pretrial Conference.